UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

———

DALE D. MOBLEY,

               Plaintiff,   Case No. 1:17-cv-325

v.   Honorable Paul L. Maloney

UNKNOWN JORDAN et al.,

                                     ORDER OF TRANSFER

               Defendants.

_____/

This is a civil rights action brought by a state prisoner pursuant to 42 U.S.C. § 1983. Plaintiff presently is incarcerated at the Macomb Correctional Facility in Macomb County, Michigan. Plaintiff sues Correctional Officer Unknown Jordan; yard crew members Unknown Keller, Unknown Delvmink, and Unknown Getter; and School Officer Unknown Hill. In his *pro se* complaint, Plaintiff alleges that the Defendants beat him.

Under the revised venue statute, venue in federal-question cases lies in the district in which any defendant resides or in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. § 1391(b). The events giving rise to Plaintiff's action occurred at the at the Macomb Correctional Facility, which is located in Macomb County. Macomb County is within the geographical boundaries of the Eastern District of Michigan. 28 U.S.C. § 102(a). Defendants are public officials serving in Macomb County, and they "reside" in that county for purposes of venue over a suit challenging official acts. *See Butterworth v. Hill*, 114 U.S. 128, 132 (1885); *O'Neill v. Battisti*, 472 F.2d 789, 791 (6th Cir. 1972). In these circumstances, venue is proper only in the Eastern District. Therefore:

IT IS ORDERED that this case be transferred to the United States District Court for the Eastern District of Michigan pursuant to 28 U.S.C. § 1406(a). **It is noted that this Court has not decided Plaintiff's motion to proceed *in forma pauperis*, nor has the Court reviewed Plaintiff's complaint under 28 U.S.C. §§ 1915(e)(2), 1915A, or under 42 U.S.C. § 1997e(c).**

IT IS SO ORDERED.

Dated: April 25, 2017   /s/ Ray Kent
                                                RAY KENT
                                                United States Magistrate Judge